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January 19, 2021

Via ECF

The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, New York 10007-1312

Re: *State of New York ex rel. TZAC, Inc. v. New Israel Fund*,
Case No. 1:20-cv-02955-GHW

Judge Woods,

We are counsel to Defendant New Israel Fund (NIF) in the above-referenced action. Pursuant to Local Civil Rule 7.1(d) and Rule 13.1 of this Court's Electronic Case Filing Rules & Instructions, we write to request leave to file a response to the State of New York's Statement of Interest, Doc. 45, which the State filed in response to the Court's request, Doc. 43. NIF's proposed response is attached to this letter.

NIF moved to dismiss the operative complaint on August 25, 2020. *See* Docs. 36–38. Plaintiff-Relator TZAC, Inc. responded to NIF's motion on September 14, 2020. *See* Doc. 39. Although the State of New York has participated in this case as a non-intervening real party in interest, *see* Docs. 20, 32, the State did not file a timely statement of interest on its own in response to NIF's motion. NIF thus had no opportunity to consider or respond to the State's position when NIF filed its reply in support of its motion on September 21, 2020. *See* Doc. 40. For the benefit of the Court and in the interest of fairness, NIF respectfully requests the opportunity to address the State's interpretation of the New York False Claims Act's public disclosure bar and its proper application to this case.

NIF conferred with TZAC before filing this letter. Counsel for TZAC stated that TZAC takes no position on NIF's request for leave to respond to the State's statement of interest and that TZAC does not intend to seek leave to file its own response to the State's statement of interest.

Respectfully Submitted,

/s/ J. Emmett Murphy

J. Emmett Murphy

Counsel for Defendant New Israel Fund

cc: Counsel of record (via ECF)